

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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QUENTIN STARKES,
Plaintiff,

v.

C.O. BYRD; C.O. NIEVES (Shield #1748); and
C.O. WAAL RIVERA (Shield #1725),
Defendants.
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ORDER

19 CV 7270 (VB)

Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action by filing a complaint on August 2, 2019. (Doc. #2). At that time, plaintiff was incarcerated at Westchester County Jail. (See id. at 1).

On November 18, 2019, plaintiff notified the Court that his address had changed, and stated his new address at Metropolitan Detention Center, Brooklyn, NY (“MDC Brooklyn”). (Doc. #8).

As the Court stated in its Order of Service dated December 11, 2019, it is plaintiff’s responsibility to notify the Court in writing if his address changes, and the Court may dismiss the action if plaintiff fails to do so. (Doc. #11 at 4).

The December 11 Order of Service was mailed to plaintiff, along with an “Instructions for Litigants Who Do Not Have Attorneys” pamphlet and a blank “Notice of Change of Address” form. (Doc. #12). Like the December 11 Order of Service, the Instructions pamphlet also states it is plaintiff’s responsibility to notify the Court in writing if his address changes, and the Court may dismiss the action if plaintiff fails to do so. (See id. at ECF 2).

By Order dated June 4, 2020, the Court deemed defendants’ motion to dismiss (Doc. #20) fully submitted and unopposed because plaintiff has failed to file an opposition to the motion or seek an extension of time in which to do so. (Doc. #25).

On June 8, 2020, the Court received notice that its April 29, 2020, Order sua sponte extending plaintiff’s time to oppose defendants’ motion (Doc. #23), which was mailed to plaintiff, was returned as undeliverable because plaintiff is no longer at MDC Brooklyn. Information provided on the Federal Bureau of Prisons website suggests plaintiff may currently be located at United States Penitentiary (“USP”) Canaan, Waymart, PA.

Accordingly, by July 9, 2020, plaintiff must update the Court in writing as to his current address. Failure to comply with this Order may result in dismissal of the action for failure to prosecute or comply with Court orders. Fed. R. Civ. P. 41(b).

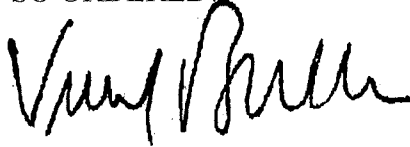
The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket and also to the address below:

Quentin Starkes
Reg. No. 79698-054
USP Canaan
U.S. Penitentiary
P.O. Box 300
Waymart, PA 18472

Dated: June 9, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge